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Fact Sheet

Final Rule: Effluent Guidelines for Discharges from the Construction and Development Industry

Summary

The U.S. Environmental Protection Agency (EPA) is promulgating effluent limitations guidelines (ELGs) and new source performance standards (NSPS) to control the discharge of pollutants from construction sites. This rule requires construction site owners and operators to implement a range of erosion and sediment control measures and pollution prevention practices to control pollutants in discharges from construction sites. In addition, the rule requires certain construction site owners and operators to sample stormwater discharges and comply with a numeric standard for the pollutant turbidity in these discharges starting in August of 2011.

Background on Construction Activity

Construction activities like clearing, excavating, and grading significantly disturb the land. The disturbed soil, if not managed properly, can easily be washed off of the construction site during storms and enter water bodies. Stormwater discharges from construction activities can cause an array of physical, chemical and biological impacts.

Pollutants discharged from construction sites include sediment, turbidity and nutrients. All of these pollutants are important contributors to water quality impairment nationwide. Sediment, turbidity, and nutrients degrade aquatic ecosystem health, drinking water supplies, and surface water clarity. Sediment deposition reduces water depth in lakes, reservoirs, and navigational channels, increasing the need for dredging.

Background on Effluent Guidelines

Effluent guidelines are national standards that apply to stormwater and wastewater discharges to surface waters and publicly owned treatment works (municipal sewage treatment plants). EPA issues effluent guidelines for categories of existing sources and new sources under Title III of the Clean Water Act to control pollution from these sources. The standards are based on the performance of treatment and control technologies.

Final Rule Requirements

The final rule is intended to work in concert with existing state and local programs, adding a technology-based “floor” that establishes minimum requirements that apply nationally. Once implemented, these new requirements will significantly reduce the amount of sediment and other pollutants discharged from construction sites.

The rule requires all construction site owners and operators to implement a range of erosion and sediment control best management practices (BMPs) to reduce pollutants in stormwater discharges. Permittees are also required to implement a range of pollution

prevention measures to control discharges from activities such as dewatering and concrete washout. The rule contains stringent requirements for soil stabilization as well.

EPA is phasing in the numeric limitation over four years to allow permitting authorities adequate time to develop monitoring requirements and to allow the regulated community time to prepare for compliance with the numeric limitation. Construction sites that disturb 20 or more acres at one time will be required to conduct monitoring of discharges and comply with the numeric limitation beginning 18 months after the effective date of the final rule. Beginning four years after the effective date of the final rule, the monitoring requirements and numeric limitation will apply to all sites that disturb 10 or more acres at one time..

Costs and Benefits of the Proposed Rule

This regulation is projected to reduce the amount of sediment discharged from construction sites by about 4 billion pounds each year, at an annual cost of about $953 million, once fully implemented. Because of the phase-in period for the numeric limit, and the timing of state construction general permit renewals, it is expected that the cost of the rule will be $8 million in 2010, $63 million in 2011, and $204 million in 2012. The benefits from reducing discharges of sediment and turbidity include improved water clarity, protection of drinking water supplies, improvements in aquatic environments, and lessen the need for dredging of navigational channels and reservoirs.

Implementation

EPA currently issues permits for construction activities in four states, the District of Columbia and in certain U.S. territories and tribal areas. The EPA Construction General Permit (CGP), which is set to expire on June 30, 2011, will be updated to include the new requirements when reissued. The remaining states issue their own construction general permits, and the new requirements must be incorporated into any new general permits issued after the effective date of the regulation, which is 60 days after publication in the Federal Register. The requirements also apply to individual permits issued by states or EPA. Therefore, the implementation date of the new requirements will vary depending on when states reissue their permits and whether projects are covered by individual or general permits.

Additional Information and Copies

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